

**MILLER KORZENIK SOMMERS LLP**

488 MADISON AVENUE NEW YORK, NEW YORK 10022-5702  
TEL. 212-752-9200 • FAX 212-688-3996 • WWW.MKSLEX.COM

**VIA FAX**

September 7, 2012

Honorable George B. Daniels

United States District Court, Southern District of New York Daniel Patrick Moynihan United  
States Courthouse  
500 Pearl Street Room 630  
New York, NY 10007

Re: Sokolow v. P.I.O et. al., 04-CV-00397 (GBD)(RLE)

**SO ORDERED:**

*George B. Daniels*  
**George B. Daniels, U.S.D.J.**

**Dated: SEP 10 2012**

Dear Judge Daniels:

We represent the British Broadcasting Corporation (the "BBC"), which was subpocnaed by Plaintiffs in the above captioned action. By Memorandum Opinion & Order filed September 6, 2012 (the "Sept. 6 Order"), Magistrate Judge Ellis denied the BBC's Motion to Quash the Subpoena served on it by Plaintiffs and partially granted Plaintiffs' cross Motion to Compel. We are writing to request an extension of time for the BBC to file Objections to that ruling. See Wesolek v. Canadair Ltd., 838 F.2d 55,58 (2d Cir. 1988)("the granting or denial of a motion to extend the time for objection to a magistrate's recommendations lies in the discretion of the district court").

The BBC intends to file Objections with this Court, pursuant to Fed. R. Civ. P. 72 and 28 U.S.C. §636(b)(1), because of the significance of that Sept. 6 Order and its erroneous effect both on the First Amendment and federal privilege from compelled disclosure from journalists, as well as Rule 45's territorial limitations. The BBC's Objections are presently due on September 20. However, I and the other attorneys for the BBC (and, in fact, 5 of the 6 attorneys at our firm) will all be out of the state for most of next week attending a previously and long scheduled business conference. When we return, Rosh Hashanah, the start of the Jewish high holy days which counsel for the BBC observes, begins in the evening of September 16. September 20 falls within those holidays, which end with the close of Yom Kippur on September 26.

For these reasons, the BBC requests that the Court extend the BBC's time to file its Objections to the Sept. 6 Order to October 1, 2012, which is the Monday following the close of Yom Kippur. Robert Tolchin, counsel for Plaintiffs has refused our request to consent to this relief.

The Court should also be aware that the Sept. 6 Order mandates that the BBC produce its outtakes, which are not located within the United States, and an affidavit of a foreign witness by September 17, which is prior to the time permitted for filing Objections or having those objections resolved, and is, as noted above, the first full day of Rosh Hashanah which BBC counsel will be observing. We have by letter sent to Magistrate Judge Ellis this date requested that the Sept. 6 Order be reconsidered or stayed so as to postpone any compelled disclosure from

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the BBC pending hearing and determination of the BBC's Objections to this Court. We have made that request so that any determination of the BBC's Objections in the BBC's favor by this Court is not rendered moot and to avoid (i) prejudice to the BBC and its Middle East reporting, (ii) stripping it of the statutory protection of the objection process, or (iii) providing a troubling precedent for other news organizations and journalists. Given the Jewish holiday schedule, it would prejudice counsel as well. We have advised Magistrate Judge Ellis that we intended to make the instant application for an extension to October 1 to this Court for the filing of those Objections.

Accordingly, the BBC respectfully requests that the Court grant the BBC's request for an extension to file its Objections to Magistrate Judge Ellis' Sept. 6 Order from September 20 to and including October 1, 2012.

Respectfully submitted,



Louise Sommers

cc: VIA FAX AND E-MAIL:

Robert J. Tolchin, Esq.  
David I. Schoen, Esq.  
Brian Hill, Esq.